

REMARKS

Applicant gratefully acknowledges the statement by the Examiner that claim 21 contains allowable subject matter.

Claims 1, 8, and 15 have been amended. Claims 21 and 22 have been canceled solely to further the prosecution of the application. The application now contains claims 1-20. Marked-up versions of amended claims 1, 8, and 15 are attached hereto as APPENDIX A. The claims have been amended without prejudice or disclaimer to the subject matter recited therein and solely for the purposes of furthering the prosecution of the application. Applicant reserves the right to pursue the original claims and other claims in this application and in other applications.

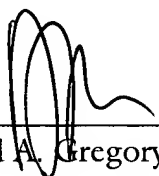
Claims 1-3, 6, 8-13, 15 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ostrowsky. Claim 22 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Maki. Claims 4, 5 and 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ostrowsky. Claims 7 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ostrowsky in view of Friedenthal. Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ostrowsky in view of Buono. Claim 21 stands objected to as being dependent upon a rejected base claim, but is otherwise allowable. The rejections and objections are respectfully traversed.

Pursuant to the Examiner's recommendation, claim 1 has been rewritten to include the allowable subject matter of claim 21. As such, claim 1 is believed to be allowable. Claims 2-7 and 14 depend from claim 1 and are also believed to be allowable for the reasons stated in the Office action. Similarly, claims 8 and 15 have been amended to recite allowable subject matter and are also believed to be allowable for the reasons stated in the Office action. Claims 9-13 depend from claim 8 and are also believed to be allowable along with claim 8. Claims 16-20 depend from claim 15 and are also believed to be allowable along with claim 15. Claims 21 and 22 have been canceled. Accordingly, the rejections and objections should be withdrawn and the claims allowed.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

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Respectfully submitted,

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## APPENDIX A

### Version With Markings to Show Changes Made

1. (Four times amended) A safety closure comprising:

an outer cap, comprising a first top wall and a first cylindrical skirt depending from said first top wall, an inner surface of said first top wall having a plurality of lugs radially disposed thereon; and

an inner cap being rotatably received by the outer cap, said inner cap comprising a second top wall and a second cylindrical skirt depending from said second top wall, a plurality of recesses are radially disposed about said second top wall and formed at an intersection of said second top wall and said second cylindrical skirt, each of said recesses comprise an inclined wall that is inclined with respect to a horizontal wall of said recess,

said recesses and lugs being shaped such that said lugs are engaged by at least some of said recesses when said outer cap is turned in a closure application direction causing said closure to be applied to a container, said recesses and lugs being further shaped such that said lugs are not engaged by said recesses when said outer cap is turned in a closure opening direction unless a force urging said outer cap towards said inner cap is being applied to said outer cap, and when the force is applied to said outer cap and said outer cap is simultaneously turned in the closure opening direction said lugs are engaged by said inclined walls of said recesses allowing said inner cap to be rotated and removed from the container,

wherein said outer cap is free to move in a vertical direction and a horizontal rotational direction with respect to said inner cap.

8. (Four times amended) A child resistant safety closure comprising:

an outer cap, comprising a first top wall and a first cylindrical skirt depending from said first top wall, a plurality of lugs are radially disposed about said first top wall and formed at an intersection of said first top wall and said first cylindrical skirt; and

an inner cap being rotatably received by the outer cap, said inner cap comprising a second top wall and a second cylindrical skirt depending from said second top wall, a plurality of recesses are formed on an outer surface of said second top wall, each of said recesses comprise an inclined wall that is inclined with respect to a horizontal wall of said recess,

said recesses and lugs being shaped such that said lugs are engaged by at least some of said recesses when said outer cap is turned in a closure application direction, said recesses and lugs being further shaped such that said lugs are not engaged by said recesses when said outer cap is turned in a closure opening direction unless a force urging said outer cap towards said inner cap is simultaneously applied to said outer cap forcing said lugs to be engaged by said inclined walls of said recesses,

wherein said outer cap is free to move in a vertical direction and a horizontal rotational direction with respect to said inner cap.

15. (Four times amended) A safety closure comprising:

an outer cap, comprising a first top wall and a first cylindrical skirt depending from said first top wall, a plurality of lugs are radially disposed about said first top wall and formed at an intersection of said first top wall and said first cylindrical skirt; and

an inner cap being rotatably received by the outer cap, said inner cap comprising a second top wall and a second cylindrical skirt depending from said second top wall, a plurality of recesses are radially disposed about said second top wall and formed at an intersection of said second top wall and said second cylindrical skirt, each of said recesses comprise a vertical wall and an inclined wall, each inclined wall being inclined with respect to a horizontal wall of its respective recess,

said lugs and recesses are shaped such that said lugs are engaged by said vertical walls when said outer cap is turned in a closure application direction, said lugs slide up said inclined walls when said outer cap is turned in a closure opening direction and a force urging said outer cap towards said inner cap is not being applied to the outer cap, and said lugs are engaged by said inclined walls when said outer cap is turned in the closure opening direction while the force is being applied to said outer cap,

wherein said outer cap is free to move in a vertical direction and a horizontal rotational direction with respect to said inner cap.